

Minutes of the Regular Meeting of the Gallup City Council, City of Gallup, New Mexico, held in the Council Chambers at City Hall, 110 West Aztec Avenue, at 6:00 p.m. on Tuesday, March 24, 2015.

The meeting was called to order by Mayor Jackie McKinney.

Upon roll call, the following were present:

Mayor: Jackie McKinney

Councilors: Linda Garcia
Allan Landavazo
Yogash Kumar
Cecil Garcia

Also present: Maryann Ustick, City Manager
George Kozeliski, City Attorney

Presented to the Mayor and Councilors were the Minutes of the Regular Meeting of March 12, 2015 and the Special Meeting of March 16, 2015.

Councilor Linda Garcia made the motion to approve the Minutes of the Regular Meeting of March 12, 2015. Seconded by Councilor Landavazo. Roll call: Councilors Linda Garcia, Landavazo, Kumar, and Mayor McKinney all voted aye. Councilor Cecil Garcia abstained. Motion carried.

Councilor Cecil Garcia made the motion to approve the Minutes of the Special Meeting of March 16, 2015. Seconded by Councilor Kumar. Roll call: Councilors Cecil Garcia, Kumar, Linda Garcia, Landavazo, and Mayor McKinney all voted aye.

The Mayor and Councilors presented a Commendation to the Gallup High School Girls Basketball Team; the 2015 Class 5A State Basketball Championship Runners-up. The following players were recognized: Rachelle Blackgoat, Martina Smiley, Cori Gordon, Kalisha Kinsel, Deerae Torrez, Kristen Quigley, Tilea Reyna, Raelyn Yazzie, Shenoah Begay, SaraAnn Shirley, Cheyenee Livingston, Rhiannon Singer, and NiAsia McIntosh. The Head Coach is Kamau Turner and the Assistant Coaches are Wilbert Nez and Robin Rangel.

The Mayor and Councilors presented a Commendation to the Gallup High School Boys Basketball Team; the 2015 Class 5A State Basketball Championship Runners-up. The following players were recognized: Richard Rangel, Damian Romero, Lionel Tso, Erman Tabaha, Joe Yazzie, Colten Lowley, Ronald Lee, Sean Eskeets, Mathew Begay, Nathaniel John, James Henry, Brandon Mayes, Asa Holyon, Troy Etcity and Jaden Steadman. The Head Coach is Domonic Romero and the Assistant Coaches are Richard Rangel, Mike Butkovich, Rick Hudson, Ryan Becenti, and Randy Slaughter.

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The Mayor and Councilors presented a Proclamation declaring the month of April 2015 as Child Abuse Prevention Awareness Month. Teri Fraizer, Public Relations Officer with the Gallup-McKinley County Schools and Charles Read, County Office Manager with the State of New Mexico Children, Youth and Families Department, accepted the proclamation and provided information regarding the child abuse prevention awareness activities to be held on Saturday, April 18, 2015.

The Mayor and Councilors presented a Proclamation declaring the week of April 12-18, 2015 as National Public Safety Telecommunications Week. Georgene Dimas, Communications Director with McKinley County Metropolitan Dispatch Authority (MCMDA), accepted the proclamation and provided information regarding a luncheon to honor the employees on MCMDA on April 13, 2015.

Presented to the Mayor and Councilors were the following Discussion/Action Topics:

1. Contract with Kubiak Melton & Associates, LLC for Audit Services – Patty Holland, Chief Financial Officer

Ms. Holland presented the proposal received from Kubiak Melton & Associates, LLC (KMA) for independent audit services for the City for the next three years. The proposed contract with KMA is for \$49,400 as the City is not required to bid for the audit services. There are no local firms registered with the State Auditor to provide the audit services for the City; therefore, Ms. Holland recommended approval of the proposed contract with KMA.

Discussion followed concerning the transitional process of utilizing the services from the City's current auditor to the services provided by the new auditor.

Following discussion, Councilor Landavazo made the motion to approve the contract with Kubiak Melton & Associates, LLC for Audit Services. Seconded by Councilor Cecil Garcia. Roll call: Councilors Landavazo, Cecil Garcia, Linda Garcia, Kumar, and Mayor McKinney all voted aye.

2. Lodgers Tax Event Funding for Fiscal Year 2015 – Patty Holland, Chief Financial Officer

Ms. Holland presented the request for lodgers tax funding for the following events: \$10,000 for fireworks for the Independence Day Celebration, \$12,000 for the annual Run for the Wall Event, and \$29,000 for the Tri-State Firemen's Association Convention.

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Thomas Silva, Deputy Fire Chief, answered questions pertaining to the costs related to hosting the Tri-State Firemen's Association Convention.

Following discussion, Councilor Linda Garcia made the motion to approve the lodgers tax event funding for Fiscal Year 2015 as presented. Seconded by Councilor Landavazo. Roll call: Councilors Linda Garcia, Landavazo, Cecil Garcia, and Mayor McKinney all voted aye. Councilor Kumar abstained. Motion carried.

3. Resolution No. R2015-12; Condemnation of Certain Real Property Located at 403 East Hill Avenue – Clyde "C.B." Strain, Planning Director

Mr. Strain said the structure at this location has fallen under such disrepair that City staff has rendered the building to be unsafe, inhabitable and a threat to the public's health, safety and welfare. Since the property owner has not taken action to repair or demolish the structure, Mr. Strain recommended approval of the proposed Resolution. If the Mayor and Councilors approve the proposed Resolution, the property owner will have 10 days to either remove the structure or file an appeal to the Mayor and Councilors of the action taken.

Mayor McKinney asked if the property owner was present to address the matter before the Council. The property owner was not present.

Discussion followed concerning the approximate time period when the structure was last occupied and the number of previous code enforcement cases on file for the property.

Following discussion, Councilor Landavazo made the motion to approve Resolution No. R2015-12. Seconded by Councilor Cecil Garcia. Roll call: Councilors Landavazo, Cecil Garcia, Kumar, and Mayor McKinney all voted aye. Councilor Linda Garcia abstained. Motion carried.

4. Resolution No. R2015-13; Condemnation of Certain Real Property Located at 624 McKee Drive – Clyde "C.B." Strain, Planning Director

Mr. Strain said the structure at this location has fallen into an uninhabitable condition due to a lack of regular maintenance and a lack of working utilities. The subject location is considered a public nuisance due to the excessive number of calls for service to the Gallup Police Department for various reasons dating back to October 2010. Overall, the property is unfit for human occupancy and a threat to the public's health, safety and welfare. Mr. Strain recommended approval of the proposed Resolution in order to abate the code violations which currently exist at the property. If the Mayor and Councilors

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approve the proposed Resolution, the property owner will have 10 days to either remove the structure or file an appeal to the Mayor and Councilors of the action taken.

Mayor McKinney asked if the property owner was present to address the matter before the Council. The property owner was not present.

Councilor Cecil Garcia expressed concerns with the nuisance property since people are still able to gain access to the structure even though the building is boarded-up. He recommended demolition of the structure.

Councilor Kumar said he has received numerous phone calls regarding the property which has become a nuisance due to the drug activities at the location.

Councilor Linda Garcia commended Mr. Strain, his staff and members of the Gallup Police Department for their work leading to the proposed condemnation of the property.

Anthony Trujillo said in lives next to the subject property and had a confrontation with John Radosevich, one of the property owners, who tried to stab Mr. Trujillo. He does not want Mr. Radosevich to return to the neighborhood and asked the Mayor and Councilor to proceed with condemning the property.

Ernie Abeita who lives four houses away from the subject property, expressed concerns with the amount of time it has taken to address the problems at the property. The early morning drug traffic which usually occurs around 3:00 A.M. to 4:00 A.M. has already declined; however, he asked the Mayor and Councilors to proceed with condemning the property.

Lori Trujillo said she and her husband have lived next to the subject property since 1998. She does not want anyone to lose their home; however, homeowners have a responsibility to maintain their home. With the construction of the new Jefferson Elementary School, she would like to see more working, responsible families moving into the Mossman neighborhood.

Following discussion, Councilor Kumar made the motion to approve Resolution No. R2015-13. Seconded by Councilor Linda Garcia. Roll call: Councilors Kumar, Linda Garcia, Landavazo, Cecil Garcia, and Mayor McKinney all voted aye.

5. Resolution No. R2015-14; Resolution of Commitment to Implement an Asset Management Plan – Vince Tovar, Director, Gallup Water and Sanitation Department

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Mr. Tovar said the implementation of an asset management plan is required by the Water Trust Board for funding the Navajo-Gallup Water Supply Project. He recommended approval of the proposed Resolution.

Councilor Cecil Garcia made the motion to approve Resolution No. R2015-14. Seconded by Councilor Landavazo. Roll call: Councilors Cecil Garcia, Landavazo, Kumar, Linda Garcia, and Mayor McKinney all voted aye.

6. Leasing Services Bid for Golf Carts – Frances Rodriguez, Purchasing Director

Ms. Rodriguez presented the bid results for the leasing services for golf carts at the Fox Run Golf Course. Based on the results, she recommended award of the bid to Pinnacle Bank in the amount of \$193,382.33.

Discussion followed concerning the buyout option for the purchase of the golf carts at fair market value upon completion of the lease.

Councilor Kumar made the motion to award the leasing services bid for golf carts to Pinnacle Bank. Seconded by Councilor Cecil Garcia. Roll call: Councilors Kumar, Cecil Garcia, Landavazo, Linda Garcia, and Mayor McKinney all voted aye.

The following Presentation and Information Item was presented to the Mayor and Councilors:

1. McKinley County Youth Water & Energy Awareness Days – Vince Tovar, Director, Gallup Water and Sanitation Department

Elizabeth Barriga, Water Conservation Coordinator, invited the Mayor and Councilors to the McKinley County Youth Water and Energy Awareness Days to be held on Wednesday, April 15, 2015 at Red Rock Park. She provided an overview of the upcoming annual event.

Comments by Public on Non-Agenda Items

Karl Lohmann commended the Mayor, Councilors and City employees for their civil discourse during meetings and for the mutual respect they have for one another while conducting City business.

Jay Dee Pfannenstiel addressed the Mayor and Councilors regarding his constitutional right of freedom of speech. He also addressed Councilor Cecil Garcia's claims of being harassed by Mr. Pfannenstiel following a meeting hosted by Senator George Munoz

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regarding the Senior Centers. Mr. Pfannenstiel questioned Councilor Cecil Garcia about his actions. Mr. Kozeliski advised Mr. Pfannenstiel that the portion of the meeting was for comments by the public on non-agenda items and not for the purposed of debating issues. Mr. Pfannenstiel said he will depose Councilor Cecil Garcia in the future and if Councilor Cecil Garcia does not respond to Mr. Pfannenstiel's questions, he will seek a court order. Mr. Pfannenstiel also questioned the personnel actions that have occurred at the Senior Centers.

State Representative D. Wonda Johnson provided an overview of her experience during her first year serving at the New Mexico Legislature. She said it was a privilege and an honor to represent her constituents in District 5. Rep. Johnson provided an update on proposed legislation from the previous session of the New Mexico Legislature.

Evan Williams, Deputy Director, Northwest New Mexico Council of Governments (NWNMCOG), presented a report on behalf of the NWNMCOG regarding the previous session of the New Mexico Legislature.

Comments by Mayor and City Councilors

Councilor Kumar said it was a pleasure having the Gallup Bengal Basketball Teams in attendance at the meeting. He said it was great to see a high number of people from Gallup in Albuquerque during the State Tournament to support their community.

Councilor Landavazo thanked Rep. Johnson and Mr. Williams for their work during the past session of the New Mexico Legislature. Councilor Landavazo also asked John Allen, Deputy Police Chief, for his department's assistance in addressing the problem with business owners leaving their vehicles parked in front of downtown businesses for an extensive amount of time. Deputy Chief Allen said the problem will be addressed by the Police Department's Foot Patrol. Councilor Landavazo asked Ms. Ustick to check into the possibility of having the Rex Museum open on Saturdays. He would like to provide a chance for local residents and tourists to explore the history of the community.

Councilor Cecil Garcia thanked Mr. Lohmann for his compliments. Councilor Cecil Garcia said it was a pleasure working with the current Council because of the civility and the accomplishments that have been made during the past four years. Councilor Cecil Garcia also commended the Gallup Police and Fire Departments for their work. He understands the concerns of Mr. Trujillo and Mr. Abeita and will continue to address the concerns of the community during the next four years.

Mayor McKinney thanked Rep. Johnson for attending the meeting. House Bill 108, which was passed by the House and the Senate, is pending the Governor's approval. If approved, the Bill will create investment zones in the state to direct funding from the

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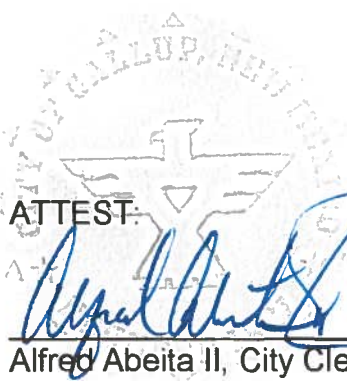
State Health Department to the areas of greatest need in the state where alcohol related issues exist. Mayor McKinney thanked Rep. Johnson for support House Bill 108 and asked for her support of the City's future capital outlay needs. Mayor McKinney said it was unfortunate the statewide capital outlay bill for public works was not approved by the Legislature.

Comments by City Attorney and City Manager


Mr. Kozeliski said the Code Enforcement Officers are also permitted to enforce the City's parking regulations.

Ms. Ustick said the new projector and sound system was installed at El Morro Theater this week. The grand re-opening of El Morro Theater and the grand opening of El Morro Events Center will be announced during the upcoming weeks. All of the HVAC units have been installed at the Gallup Detox Center and the project will be completed by the end of the week. Based on the improvements made to the Southside Fire Station, the Fire Department will host an open house on April 15, 2015 from 1:00 p.m. to 3:00 p.m. Ms. Ustick asked Mr. Tovar to provide an update on the City's plan to reduce odors at the Wastewater Treatment Plant. A copy of Mr. Tovar's presentation is attached hereto, marked as Exhibit A and made a part of these official Minutes.

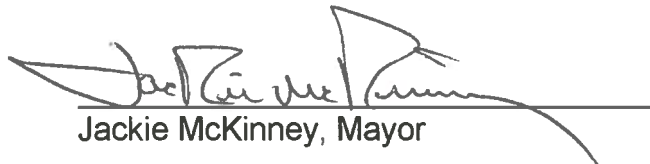
There being no further business, Councilor Kumar made the motion to adjourn the meeting. Seconded by Councilor Linda Garcia. Roll call: Councilors Kumar, Linda Garcia, Landavazo, Cecil Garcia, and Mayor McKinney all voted aye.

The seal of the City of Gallup, New Mexico, is visible in the background. It features a central emblem with a star and the words "CITY OF GALLUP, NEW MEXICO" around the perimeter.

ATTEST:

A blue ink signature of Alfred Abeita II, City Clerk, is written over the seal.

Alfred Abeita II, City Clerk

A black ink signature of Jackie McKinney, Mayor, is written over a horizontal line.

Jackie McKinney, Mayor

Approved 4/14/2015